

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOHN DOES, et al.,

Plaintiffs,

v.

DONALD TRUMP, et al.,

Defendants.

CASE NO. C17-0178JLR

**PLAINTIFFS' JOINT NOTICE IN  
RESPONSE TO DEFENDANTS'  
EMERGENCY MOTION FOR STAY OF  
PRELIMINARY INJUNCTION PENDING  
APPEAL**

(RELATING TO BOTH CASES)

JEWISH FAMILY SERVICE, et al.,

Plaintiffs,

v.

DONALD TRUMP, et al.,

Defendants.

CASE NO. C17-1707JLR

PLAINTIFFS' JOINT NOTICE  
Nos. 17-cv-01707-JLR, 17-cv-00178-JLR

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1 Defendants' "Emergency Motion for a Stay of Preliminary Injunction Pending Appeal,"  
 2 which was filed at 4:33 p.m. on Friday afternoon of a holiday weekend, is both procedurally  
 3 improper and transparent gamesmanship that should not be countenanced by this Court. First,  
 4 Defendants' characterization of the motion as an "emergency motion" is questionable, as they  
 5 waited almost a full week since this Court's December 23, 2017 Order Issuing a Preliminary  
 6 Injunction to file it.<sup>1</sup> Second, Defendants' motion is neither a motion for a stay pending appeal  
 7 (there is no pending appeal), nor is it analogous to a motion for a temporary restraining order, as  
 8 Defendants claim. *See* Dkt. 95 at n.1. A motion for a temporary restraining order is governed by  
 9 Fed. R. Civ. P. 65, which provides that the *parties and their agents* can be bound by such an  
 10 order. *See* Fed. R. Civ. P. 65(d)(2). Defendants' motion, though, seeks to enjoin *the Court* from  
 11 enforcing its December 23, 2017 Order. *See* Dkt. 95 at 1 ("Defendants hereby move the Court to  
 12 stay its preliminary injunction barring enforcement of two provisions of the October 23, 2017,  
 13 Memorandum to the President."). Defendants' motion is best characterized as a second Motion  
 14 for Reconsideration, although Defendants fail to point to any changed circumstances or any other  
 15 factors that would justify a second motion for reconsideration.<sup>2</sup> Accordingly, unless the Court  
 16 directs otherwise, Plaintiffs propose to respond to Defendants' motion on January 5, 2018.  
 17 Plaintiffs respectfully request that *Doe* Plaintiffs and the *JFS* Plaintiffs be permitted to submit  
 18 separate briefing in response to the motion.  
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24 <sup>1</sup> The claim that Defendants' motion is an "emergency" is further belied by the fact that Defendants  
 25 admit that they are permitting Joseph Doe's family members to move forward with travel to the United States  
 26 despite being subject to both the SAO and FTJ ban. *See* Dkt. 95 at 9.

<sup>2</sup> While Defendants' first Motion for Reconsideration questioned only the scope of the injunction  
 issued by the Court, this second motion questions the basis for that injunctive relief.

Respectfully submitted,

DATED: December 30, 2017

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 30, 2017, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all of the registered CM/ECF users for this case.

I hereby declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

DATED this 30th day of December, 2017.

/s/ Lauren Watts Staniar

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